

## REMARKS

Claims 1-30 remain in this application. Claims 1, 2, 5, 9, 13, 17, 21, 25, and 30 have been amended. No new matter has been added. Claims 1 through 5, 9 through 13, 17 through 21, and 25 through 30 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,802,568 to Csoppenszky (“Csoppenszky”). Claims 6, 7, 14, 15, 22, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Csoppenszky and U.S. Patent No. 6,314,561 to Funk et al. (“Funk”). Claims 8, 16, and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Csoppenszky and U.S. Patent No. 4,713,755 to Worley (“Worley”). Applicant respectfully requests that the above-identified application be reconsidered in view of the following remarks.

### **The 35 U.S.C. § 102 Rejection**

Claims 1 through 5, 9 through 13, 17 through 21, and 25 through 30 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Csoppenszky. Claims 1, 2, 5, 9, 13, 17, 21, 25, and 30 have been amended.

Claim 1 now recites: “...providing an instruction to access valid data in a cache and to indicate that a line storing the accessed valid data in the cache is a candidate for replacement by reducing an importance level of the line.” (Emphasis added).

Applicant does not disagree with the Examiner’s characterization of the Csoppenszky reference at page 2, last paragraph bridging to page 3 of the Office Action. However, neither Csoppenszky nor the Examiner’s characterization of Csoppenszky discloses or suggests “...providing an instruction to access valid data in a cache and to

indicate that a line storing the accessed valid data in the cache is a candidate for replacement by reducing an importance level of the line,” as recited in claim 1.

In an embodiment of the present invention, a reduced importance cache line instruction is provided to access valid data in a cache line and to **reduce** the importance level of the cache line storing the accessed valid data so that the reduced importance cache line will become a more likely candidate for replacement, in accordance with the implemented cache replacement policy. This is true, even if the cache line is the most recently used instruction. (See Specification, page 6, line 26 through page 7, line 6.) In contrast, the Csoppenszky system only deals with a replacement policy of retaining the most recently used cache line entry in a cache by clearing the used bit in all but the most recently used cache line entry, if all memory entries are marked as valid and recently used. There is nothing in Csoppenszky that discloses a memory access instruction that reduces the importance level of the cache line just accessed, as in the present invention. Therefore, the Csoppenszky reference fails to disclose or describe “providing an instruction to access valid data in a cache and to indicate that a line storing the accessed valid data in the cache is a candidate for replacement by reducing an importance level of the line,” as recited in claim 1.

Accordingly, the Examiner has failed to establish a *prima facie* case of anticipation, and withdrawal of the Section 102 rejection of claim 1, and claims 2 through 5 that depend therefrom, is respectfully requested.

Regarding claims 9, 17, 25, 26 and 30, for at least those reasons given above for claim 1, the Csoppenszky reference fails to disclose or describe an instruction, machine-readable medium, method or cache to access valid data in the cache and to indicate that a

line storing the accessed valid data in the cache is a candidate for replacement by reducing an importance level of the cache line storing the valid data. Therefore, the Examiner has failed to establish a *prima facie* case of anticipation, and withdrawal of the Section 102 rejection of claims 9, 17, 25, 26 and 30, and claims 10 through 13, 18 through 21, and 27 through 29 which ultimately depend from claims 9, 17, 25, and 26, is respectfully requested.

Accordingly, issuance of a notice of allowance for claims 1 through 5, 9 through 13, 17 through 21 and 25 through 30 is respectfully requested.

#### **The 35 U.S.C. § 103 Rejection**

Claims 6, 7, 14, 15, 22, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Csoppenszky and U.S. Patent No. 6,314,561 to Funk et al. ("Funk"). Applicant respectfully traverses this rejection.

For at least those reasons given above for claims 1 through 5, 9 through 13, 17 through 21 and 25 through 30, the Csoppenszky and Funk combination fails to teach or suggest an instruction, machine-readable medium, method or cache to access valid data in the cache and to indicate that a line storing the accessed valid data in the cache is a candidate for replacement by reducing an importance level of the cache line storing the valid data. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness, and withdrawal of the Section 103 rejection of claims 6, 7, 14, 15, 22 and 23 is respectfully requested.

Accordingly, issuance of a notice of allowance for claims 6, 7, 14, 15, 22, and 23 is respectfully requested.

Claims 8, 16 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Csoppenszky and U.S. Patent No. 4,713,755 to Worley (“Worley”). Applicant respectfully traverses this rejection.

For at least those reasons given above for claims 1 through 5, 9 through 13, 17 through 21 and 25 through 30, the Csoppenszky and Worley combination fails to teach or suggest an instruction, machine-readable medium, method or cache to access valid data in the cache and to indicate that a line storing the accessed valid data in the cache is a candidate for replacement by reducing an importance level of the cache line storing the valid data. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness, and withdrawal of the Section 103 rejection of claims 8, 16 and 24 is respectfully requested.

Accordingly, issuance of a notice of allowance for claims 8, 16 and 24 is respectfully requested.

In view of the remarks submitted above, the Applicant respectfully submits that the present case is in condition for allowance or in better form for appeal. Applicant respectfully requests that the Examiner admit the Response for consideration pursuant to 37 C.F.R. §1.116 and issue a notice of allowance.

### **CONCLUSION**

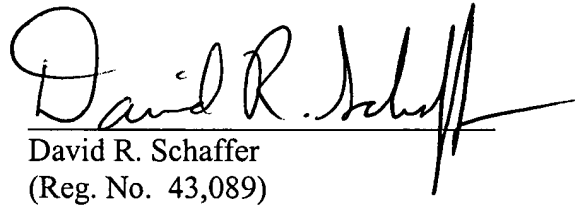
In view of the above remarks, the Applicants respectfully submit that the present case is in condition for allowance, or at least in better form for appeal, and request that the Examiner issue a notice of allowance.

The Office is hereby authorized to charge any fees determined to be necessary under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayment to Kenyon & Kenyon **Deposit Account No. 11-0600.**

The Examiner is invited to contact the undersigned at (202) 220-4263 to discuss any matter concerning this application.

Respectfully submitted,

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